IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Crl.MC.No. 2356 of 2007()

CC.1014/2004 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM

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PETITIONER: ACCUSED:

LALITHA RAMACHANDRAN, VALIAKIZHAKKETHIL HOUSE, CHENITHALA P.O., MAVELIKKARA, ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS: COMPLAINANT AND STATE:

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1. M/S. SHAN FINANCIERS, KOTTAYAM BRANCH, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER, T.J.THOMAS, KUNCHILAYIL HOUSE, PAZHOOR P.O., PAPPATHY, ERNAKULAM.

2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2356 of 2007

Dated this the 8th day of August, 2007

O R D E R

The short grievance of the petitioner is that a warrant of arrest is issued against the petitioner even before cognizance is taken in the matter and when the learned Magistrate is only considering the application for condonation of delay. Remarks of the learned Magistrate was called for. The learned Magistrate reports that it was an oversight and wrongly assuming that the case itself is pending and not only the application for condonation. Such warrant of arrest was issued. The matter now stands posted to 7.11.07, reports the learned Magistrate. In the light of the report of the learned Magistrate, I am satisfied, and the learned counsel agrees, that this petition can be dismissed as unnecessary, the learned Magistrate having already reported specifically that the non bailable warrant issued against the petitioner has been recalled.

(R.BASANT, JUDGE)

rtr/-

R.BASANT, J

Crl.M.C.No.2356 of 2007

Dated this the 25th day of July, 2007

O R D E R

The short grievance of the petitioner is that a non bailable warrant has been issued against the petitioner even before cognizance is taken and that too in a prosecution under Section 138 of the Negotiable Instruments Act. The situation appears to be

unsatisfactory. Call for a report from the learned Magistrate about the stage of the proceedings and as to why a warrant of arrest has been issued against the petitioner even before cognizance is allegedly taken and the proceeding at present pending are only proceeding for condonation of delay in filing the complaint.

2. Await report of the learned Magistrate. The non bailable warrant issued against the petitioner shall not be executed till 08.08.07.

3. Call on 08.08.07.

(R.BASANT, JUDGE)

rtr/-